

# Gender parity and Indigenous Regulatory Systems (IRS) in Oaxaca, Mexico: a review of the state of the art

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## ABSTRACT

This article aims to analyze the state of the art on gender parity and Indigenous Regulatory Systems (IRS) in the state of Oaxaca, Mexico, to identify relevant lines of research. The problem that motivated this approach lies in the inequalities, violence, and injustices suffered by Indigenous women as municipal councillors, even though the constitutional principle of gender parity protects their political and electoral rights. Despite legislative advances in parity, systemic obstacles prevent the substantive achievement of the principle of gender parity in the indigenous municipalities of Oaxaca. This is a qualitative study, through documentary and discourse analysis, identifying theoretical and empirical positions and research results. Around 50 sources were reviewed to identify coincidences and differences, organizing the information into three sections: the path toward parity democracy, the concept of parity, and interculturality. The studies reviewed show that the main problems in the implementation of the principle of parity are related to gender stereotypes, the low institutional capacity of the State to implement parity, patriarchal resistance, and political violence. Most studies focus on the political party regime and do not analyze indigenous contexts. Therefore, it is convenient to analyze parity in the regime of the indigenous normative systems in Oaxaca, Mexico.

**Keywords:** Oaxaca, IRS, parity, politics, women, indigenous regulation, Mexico.

**Article originality and practical implications:** This article discusses a highly relevant issue regarding indigenous and gender concerns in Mexico. It presents a critical perspective and provides insights to direct future empirical research.

## INTRODUCTION

Gender inequalities are related to asymmetrical social structures, historically promoted by the patriarchal system. Through the sexual division of labor and myths such as the dependent reproductive capacity of women to the seed of men, women have been subjected to male dominance, forging disparities as an accumulated product of systematic processes, thus gender oppression is manifested in all areas of reality, including politics. One of the root causes of gender segregation is power, through patriarchal hegemony in social, political, economic and other systems (Guterres, 2020) preserved over several centuries of discrimination.

In this sense Segato (2017) argues that gender issues in political life has as a background the power of men to demonstrate their dominance, therefore gender relations in politics have an implicit language and power relationship, noting that the State has a male genealogy, which promotes asymmetrical and inequitable political relations, generating female exclusion.

The effects of the underrepresentation of women in the political sphere in Mexico has motivated feminist movements, civil society, academia and other sectors to force the State to constitutionally guarantee the protection of women's political and electoral rights, in order to promote a parity democracy through the principle of gender parity. Although the Mexican legal framework guarantees gender parity in political life through the electoral reform of 2019, in constitutional articles 2, 4, 35, 41, 52, 53, 56, 94 and 115, known as parity in all, women must overcome various resistances for their political participation (Paullier, 2016), identifying that in Oaxaca the challenge is huge, since in indigenous contexts social, cultural and political factors persist that assume the public sphere as an exclusively male affair and private and

domestic affairs as female roles.

At the municipal level the situation is complex, since according to figures from the National Institute of Women (INMUJERES, 2023) only 26% of Mexican municipalities are governed by a woman; for the state of Oaxaca this figure is only 13%. In the Oaxacan municipal reality, parity is currently a utopia, a desirable scenario with legal instruments already in place, but not yet feasible. Vásquez (2020) identified that out of 418<sup>1</sup>municipalities governed by Indigenous Regulatory Systems (IRS)<sup>2</sup>, 5% were governed by a woman, that is, only 21.

The panorama of parity in the integration of Oaxacan municipal councils did not vary significantly in the 2022 local electoral process, since in February 2023 only 29 female municipal presidents were accredited out of 397 municipal councils appointed by IRS, 7.3% in contrast to 92.7% of male presidents (Gobierno del Estado de Oaxaca, 2023), these data reflect a reduced access of women to municipal government.

Despite legislative advances in the area of gender parity, there are challenges and obstacles that systematically impede the substantive achievement of the principle of gender parity. Given this problematic scenario, where the principle of parity in Oaxaca is supported by the legal framework, but its implementation process has been winding, with not very encouraging results and several challenges, it is urgent to establish research routes for an objective and intercultural analysis of the problem, therefore the research question is posed: What are the theoretical and empirical contributions on parity and IRS in Oaxaca, Mexico?

The following hypothetical assumption was made, which guided the literature review: the principle of parity in municipal elections by IRS in Oaxaca has not been substantially complied with due to social, cultural and political factors. In the social aspect: family limitations, the educational level electoral rights; the native peoples were not consulted and informed about the principle of parity, therefore their indigenous worldview was not respected; there are high levels of resistance and ignorance, in short, parity is perceived as an exogenous factor, interrupting the social dynamics.

In the cultural aspect: the patriarchal ideology considers women only for the private sphere, there is a strong persistence of gender stereotypes, segregating them from the public space; the system of positions recognizes more male than female participation, women occupy positions at the base, but not at the top; they must work double or triple shifts; there is intersectional discrimination against indigenous women, by gender and ethnicity; in addition, in the uses and customs, the community is above the individuality of women.

In the political aspect: there are behaviors that constitute gender-based violence exercised by municipal authorities and society; women are not appointed to positions with political power in the city council (presidents, trustees and councilors of the treasury), exercising a simulated parity; they are assigned positions associated with gender roles or without significant interference in political decision making, and their positions have a punitive bias for breaking into a male space; and they are victims of the male chiefdom that discriminate against them.

## **METHODOLOGY**

The main methodological technique used was documentary analysis, by means of a digital file that made it possible to organize the information obtained from bibliographic, hemerographic and legislative sources. Content analysis was also used to identify records and categories of information; about thirty-five sources were recorded, but more than fifty were consulted, organized in a digital folder and other physical books. The categories of analysis according to the objectives of the referred research are: the principle of gender parity, from the perspective of electoral law and political science; and the IRS from the social anthropological and legal sociological perspective. Gender studies, parity democracy and interculturality are followed as transversal factors.

The main criteria for inclusion of the literature consulted were the following: recent publication, maximum five years old, although some previous studies were also considered as significant references; care was also taken to ensure that the main categories addressed in the sources were gender parity and IRS; theoretical and empirical studies with institutional support from the international, national and local spheres were included. An evolutionary context of parity is addressed, then the term gender parity is discussed from different theoretical contributions; finally parity studies in the field of IRS are interwoven, highlighting the perspective of interculturality.

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<sup>1</sup> The municipality of San Baltazar Chichicapam changed regime, from political parties to IRS in 2024 (IEEPCO, 2024).

<sup>2</sup> According to Article 2, Section XXIX of the Law of Electoral Institutions and Procedures of the State of Oaxaca, the IRS are the set of principles, oral or written rules, practices, institutions, agreements and decisions that the peoples, municipalities, indigenous and Afro-Mexican communities recognize as valid and in force for the election or appointment of their authorities and representatives, the exercise of their own forms of government and the resolution of internal conflicts.

## RESULTS AND DISCUSSION

### The road to parity democracy in Mexico:

This section discusses some theoretical contributions on the path towards parity democracy in the country. The political panorama at the national, local and municipal levels is complex, with violence of various kinds, mainly against the female population exercising their political and electoral rights. Vázquez and Meixuerio (2021) point out that politics is masculinized, with gender stereotypes such as leadership, violence, aggressiveness and logic, attributes historically granted to men, which is why women who enter the municipal political space are seen as intruders, in this sense Barrientos (2023) raises the question: What sexual difference can justify the exclusion of women from public decision making? Scientifically none, however the persistence of structural barriers for women in the political exercise is identified (Aparicio, 2023); therefore in the municipal sphere female representation has been slow, and is even declining.

In this context, Moctezuma, Narro and Orozco (2014) state that as long as there are structural inequalities between men and women, it is utopian to think of a fully democratic regime; as long as inequalities, discrimination and violence against women continue to exist, the Mexican State will be far from achieving full democracy. At the international level, the struggle of organized women, the feminist movement and other organizations placed the term parity democracy on the public agenda at the European Women in Power Summit in Athens in 1992, underlining that although women represent more than half of the population, they are underrepresented in political spaces. France is one of the pioneer countries in incorporating parity to its legal framework, in the Latin American region, Mexico belatedly did the same in 2014. In the Mexican context, according to Vázquez and Meixueiro (2021), the state of Morelos was the first to apply parity at the municipal level to strengthen democracy.

From the perspective of political science, González, Gilas and Báez (2016, p. 100) state that parity democracy is understood as "a search for balanced representation between men and women (not with numerical accuracy) integrating postulates of feminism and achieving to be the only political regime", then it is not only sought that women have access to power, nor cover 50% of municipal councilors, but a substantive equality between women and men who hold public office in the city council.

In this sense, Palma and Vázquez (2023) from their political vision analyze some strategies implemented from institutional feminism in the country, also identifying the obstacles along the way, a context where the incidence of suffragist and paritarist women has been a determining factor in the electoral reforms of 2014 and 2019 years. The authors identify the term femocracy as a different way of seeing the functions of the State, where women have a greater influence. One of the most notable strategies in this process is the formation of critical actors, networks and organizations, i.e. *stakeholders*, who have joined forces to exert political pressure on the State with a view to elevating parity to constitutional status. Among the most evident obstacles on this path are institutional inefficiency and discriminatory perceptions of the gender perspective from conservative groups.

UN WOMEN, UNDP and IDEA (2017) contribute to this vision from gender studies, proposing the *Political Parity Index in Mexico, through the ATENEA project*, as a mechanism to accelerate women's political participation. It analyzes national commitments and their relationship with equality in the Constitution and the legal framework, the exercise by women of their right to vote, the existence of quota or parity mechanisms, the presence of women in the executive branch and federal public administration, in the federal legislature; in the judiciary and in the electoral judiciary; in political parties and in municipal government; the information in the index favors the diagnosis of the parity principle and democracy.

In this regard, Llanos, Martínez and Samqui (2016) from their political perspective, report on the advances in the regional and state legal framework on parity and democracy in Mexico and Nicaragua; the authors offer an overview of the quantitative impact of parity in the election of women to legislative positions, they also reflect on the aspects to be strengthened, agreeing with Palma and Vázquez (2023) on the institutional deficiencies, as well as the capacities of the political actors that promote parity in the region, the study recognizes that the Mexican municipality is a space where the underrepresentation of women has historically permeated.

In the analysis on parity democracy, the theoretical contribution of León (2023) is from political science and electoral law, studying the incursion and impact of gender parity in Ecuadorian legislation since 2008 -six years before in Mexico- and its repercussion in the structuring of municipal legislative bodies. Emphasis is placed on the foundations that support the precept of parity, such as political participation and representation, formal equality, material equality, non-discrimination, equity and democracy; it also identifies institutional, procedural and cultural problems and gender-based political violence against women (GBPVAV), aspects that coincide with the Mexican reality.

León (2023) points out that in Ecuador the legal regulation defends the exercise of the electoral system under the

principle of gender parity, which legally configures the electoral processes with criteria of parity, equity, alternability and sequentiality, normatively guaranteeing the inclusion in the municipal councils as cantonal legislative bodies. This is far from reality, since despite the legal requirement, the municipal councils are not integrated with parity, causing a female underrepresentation and a democratic weakening.

From a historical-legal point of view, Espino (2023) proposes a rationale for female political participation, analyzing norms and regulations through a review of sentences, criteria and jurisprudence related to total parity from 2006 to 2023. It theoretically characterizes substantive equality, parity democracy and parity in everything, as a constitutional principle. A relevant aspect of the study is the emphasis on some rulings of the Electoral Tribunal of the Judiciary of the Federation (TEPJF) on the experiences of women who participate in political life. The author also argues that the greater the political participation and representation of women there is an increase in cases of GBVPRV, an argument also supported by Bravo and Martínez (2021). At the municipal level, she analyzes some rulings that support horizontal and vertical parity.

In contrast to previous contributions, where problems on the road to parity are addressed, Bucci, Ferrara and Resce (2023) document a positive experience on how the presence of women in political institutions influences the efficiency of Italian municipal governments. The study found significant empirical evidence that greater efficiency of municipal governments is directly related to the leadership of a female mayor and a greater presence of women in their city councils, a thesis that coincides with the essence of institutional feminism put forward by Palma and Vázquez (2023) who argue that the intervention of women in public institutions favors democratic life. The study on Italian municipalities confirms the positive effect of gender parity in municipal governments, considering the regional perspective and context, by means of various robustness tests; it also highlights the usefulness of government policies for female empowerment and gender equality in municipal politics.

Freidenberg and Gilas (2021) from political science studied the role of the TEPJF as a critical actor, through the rulings issued from 2006 to 2018, on women's political participation and representation. They compiled rulings on gender and the protection of women's political-electoral rights at the federal, state and municipal levels, identifying landmark rulings, those that originated criteria that have changed the interpretation of norms or the specific rules of their implementation. Subsequently, they analyzed only the landmark rulings to establish to what extent the path towards substantive equality has been direct, whether there have been advances or setbacks.

In the third stage, the authors reconstructed the route of the development of affirmative action measures (quotas) and gender parity in the Mexican electoral system, observing the impact of TEPJF rulings; another alternative result was the identification of non-proactive rulings. With respect to the indigenous context, the authors identified that a landmark ruling issued by the court specified that gender equity must be preserved in IRS elections, even when the electoral process is carried out under customary law, parity must be protected regardless of the political regime of the municipality, whether by political parties or by IRS.

Freidenberg and Garrido de Sierra (2021) argue that the stronger the gender electoral regime for candidate registration, the greater the political representation of women in subnational legislative institutions, regardless of the type of electoral system. The study resorts to binomial logistic mixed-effects models proposing the *Gender Electoral Regime Strength Index*. The following are identified as political-institutional factors: the level of strength and seniority of the gender electoral regime; as socioeconomic factors: the level of subnational economic development, modernization and educational level, leaving out of the study cultural variables or explanations or social and legal mobilization.

It is pointed out that the opportunities for women politicians to access political representation at the subnational level do not depend on a higher socioeconomic level, the level of political alternation or more egalitarian conditions of resource distribution, but on the design of the formal rules and their level of strength in their interaction with the electoral system, that is, a political-institutional explanation. The study evidences the determining weight of institutional factors in reducing the gender gap in the country's entities, coinciding with Llanos, Martínez and Samqui (2016) and Palma and Vázquez (2023) in pointing out that for the sake of a parity democratic state, the institutional fabric and its capacities are fundamental for the promotion of the principle of gender parity, demonstrating that the efficient intervention of state institutions has a positive impact on the substantive representation of women, a scenario where political will plays an important role.

In this regard Gilas (2021) identifies certain factors that explain the deficiencies of parity implementation, among them the normative heterogeneity, the ambiguity of certain state legislations and the lack of coherence in the interpretation of the norms, premises that prevent the implementation of parity in some Mexican states, highlighting that this scenario is more complicated at the municipal level. The author takes up four important dimensions for the analysis of political representation: formal, symbolic, descriptive and substantive.

Taking the 2018 electoral process as the object of analysis, some factors are identified that explain the differences in

female representation in Mexico's federal entities, such as the legislations that do establish parity as an obligation, the actions of the electoral authorities, the registration of candidacies for women and the parity allocation carried out by the National Electoral Institute (INE). In contrast some of the factors that inhibit political parity in the country's municipal presidencies, specifically in the political party system, are: the imperfect implementation of competitive blocks, the deficient application of the rules of horizontal and vertical parity, in addition to the resistance of the political parties.

Cárdenas (2019) identified that from 2005 to 2017 there was a sustained but not sufficient increase in the number of women municipal presidents in Mexico, as there were female mayors in only 16% of the municipalities. The study argues that although there is a trend towards gender and party plurality in the municipalities governed by the political party system, seeking to move from a descriptive to a substantive representation, women face significant obstacles from their own parties to be nominated, in this sense, they tend to evade or circumvent the provisions of the law, taking advantage of certain loopholes.

The author identified among the dishonest practices: female candidacies in places with low possibilities of winning; the nomination of male alternates, who seek to assume the position once the woman has resigned; and the backing or pressure of a male figure behind the position. It is pointed out that parity is perceived by men as a subjugation, from a minimalist reading, reducing its importance in the political system; furthermore, party leaders resort to genealogical practices to retain power; therefore, the need for a substantive change and an effective gender agenda in the country's municipalities is raised.

The study observed an increase in the presence of women in the capitals of some states, although most of them continue to be governed by men, this data is related to what was pointed out by Góngora and Martínez (2023) who state that there are few women governing the capital cities of the country, Therefore, women presidents are present in small and medium-sized municipalities, but not in large cities. Under this logic, industrial municipalities and those with a greater capacity for economic generation are disputed among men, while municipalities with greater socioeconomic lags tend to be governed by women.

The authors argue that within the political parties there are limitations for a woman to be a candidate, and they also point out the importance of reviewing the financing of political parties so that it is consistent with the principle of parity. The main assumption of the study is the persistence of a partisan bias in the selection of candidates for municipal presidency. The existence of a bias of the partisan selectorate to inhibit the nomination of women candidates for municipal elections is noted, identifying that gender stereotypes persist in the parties, the belief of the sexist prejudice of the electorate, the conviction of an attack on the meritocracy of men, and that women are not interested in political participation because of their roles of care and upbringing, a scenario where gender quotas, as an affirmative action against partisan gender bias, play a predominant role. Emphasis is placed on the dishonest strategies that political parties have implemented to prevent women's participation in candidacy.

It was observed that the increase in the number of female municipal presidents in the country is partly due to the three dimensions of parity: vertical, horizontal and transversal, a context where the Local Public Electoral Bodies (OPLES) have had an important intervention, establishing strategic measures such as the competitiveness blocks. As a contribution to the parity debate, the National Human Rights Commission (CNDH, 2016) conducted an a posteriori review on the political and electoral participation of women and men during 2015 and 2016, following the recognition of parity with the 2014 reform. Gender gaps were identified in order to dimension the new challenges, finding that one of the most important challenges is at the municipal level.

The study argues that an important factor in inequalities in political participation is the cultural component (gender stereotypes). It identifies the importance of vertical and horizontal parity, as effective measures towards the fulfillment of the principle, a point of coincidence with Espino (2023), Gilas (2021), Góngora and Martínez (2023). The CNDH (2016) emphasizes that there is an important challenge regarding parity democracy at the municipal level, with the low representation of women in municipalities and a reduced number of female municipal presidents. It was also observed that the GBPVAV and the weakness of the regulatory framework were two elements that hindered parity in municipal elections.

Scherer prefaces the work of Saldaña (2015) with an interesting approach to gender inequalities. The objective of the study was to show a theoretical framework on issues such as gender, political participation, citizenship and governance. The author mentions that one of the reasons for writing the book was the question Why don't women become municipal presidents?, it is a qualitative study, from a perspective of political science and sociology, which analyzes the gender quota system, its impact on the registration of female candidates and the results obtained in terms of the percentages of women's participation in the position of municipal presidents.

Cases of women municipal presidents in the states of Puebla, Veracruz and Oaxaca are discussed, the latter due to its multicultural nature, but without delving into the complexity of the IRS. Some factors that limit women's political participation

are identified; in the political sphere, unions, blockades and demonstrations, and political parties are considered; in the socioeconomic sphere, economic capacity and educational level are identified; in cultural aspects, stigmatization, segregation and gender discrimination were observed.

The problems addressed in the aforementioned studies occur mostly in the context of municipalities governed by the political party system; therefore, in order to contribute to a broader analysis of the principle of parity, the need to investigate the problems and explain the factors that hinder it in the indigenous contexts of Oaxaca is identified. The perspectives provided by the authors on the factors that inhibit compliance with the parity principle are evidence of the relevance of the proposed study.

### **Theoretical conceptions of gender parity in the political sphere:**

The following lines analyze some theoretical contributions on the term parity; to begin with, a context is presented on the importance of considering gender in parity analysis, which is a relevant category for the analysis of the historical and cultural fabric, of identities and roles assigned by the social fabric to men and women, useful for understanding the inequalities arising from the differentiation between the male and female population, which reflect structural violence (Herdoíza, 2015).

One of the fundamental causes of gender segregation is a question of power, represented by violent male hegemony in social, political, economic and other systems (Guterres, 2020), a structure that has been preserved for several centuries, generating notable disparities today, as women are still excluded from the public space, and when they hold important political leadership positions, they face threats, harassment and insults, i.e. gender-based violence.

Castillo and Santoyo (2022) identify that a fundamental cause of the reduced and limited participation of women in the public sphere are gender stereotypes, which conceive of women as exclusive to activities such as caregiving, child rearing, feeding, reproduction and warmth, welfare work and education, incapable of making strategic decisions in the public sphere; they are considered as beings lacking logical thinking, sensitive, with capacities for altruism, warmth and empathy (Blackstone, 2003; Eagly & Wood, 2012; Ellemers, 2018) such schemes reproduce gender violence, conditioning, hindering and limiting the full exercise of their political and electoral rights. In this regard, Bourdieu (1998) argues that material and symbolic inequalities are generated in the family, acting as the main cradle for the reproduction of gender inequalities and violence, fostering power relations and conflict in other spheres beyond the family, thus normalizing the oppression of women who want to participate in political life.

Dalton (2012) explains that although political participation in a democratic state should be egalitarian and free of violence, for Mexican women citizenship is a late, difficult or impossible right to achieve, since there must be favorable structural conditions for them to access political life, such as freedom from domestic work, education, the transformation of laws and a change in mentalities, a scenario where the double or triple workday they must fulfill due to gender stereotypes, represents a conditioning factor for the full exercise of politics.

Then in the eagerness to abate such system of inequities, at least in the political sphere, the principle of gender parity is a legal term focused on political representation, to guarantee a substantive participation of women and men (Bonifaz, 2016) in public decision-making processes and power structures. It represents a fundamental element established in the Political Constitution of the United Mexican States (CPEUM), as a legal means to confront gender inequality and lessen the social, political and economic effects derived from a systemic tradition and male hegemony, manifested in acts of discrimination and violence towards sectors scarcely represented in public arenas, among them women.

Díaz (2017) proposes that from a formal criterion, gender parity can have two variants, vertical and horizontal parity; and from a material or substantive criterion, parity is transversal. In the vertical sense, parity consists of making it possible for the integration of a collegiate body of popular representation, such as the city council, to be made up of half men and half women, so the parity principle requires that the nomination of candidates for councilors of the same city council. However, Vázquez and Meixuerio (2021) consider that it is not enough that 50% be for each gender; they also add that the nominations and positions should be intercalated to promote balance in the political distribution. In the case of municipal councils, for example, if the municipal presidency, as the first position, is occupied by a man, the syndicate should be for a woman, thus avoiding the concentration of power in a single gender.

The horizontal dimension according to Díaz (2017) consists of making it possible that the right of equal and substantive participation for men and women, is repeated in all the collegiate bodies that are popularly elected in a given territory, in this regard Nava (2015) adds that horizontality requires ensuring parity in the registration of candidacies among the different municipalities that make up a state territory. Jurisprudence number 7/2015 complements that to ensure horizontal parity it is necessary to register an equal number of lists headed by men and women among the municipalities of a federal entity (TEPJF, 2015), that is to say that 50% of the municipalities of a state are governed by women and the other half by men. Such panorama stipulated in the norm is still unattainable in the Mexican reality, observing the data provided by

INMUJERES (2023), there is a significant gap. In the Oaxacan territory 73% of the municipalities are governed by their IRS, which differ from the logic of positive electoral law. It is necessary that the measures for the establishment of parity be adequate to the intercultural context, so that those women interested in participating politically in their municipalities can do so freely, and that the female population is better represented in community decisions.

INMUJERES (2023) points out that "Parity is not an affirmative action or a goal in itself, but a measure for the redistribution of opportunities, decisions and power in all spheres of life; its implementation then implies a transformation of institutions and social life and in families so that men and women enjoy equality", therefore its compliance in governmental spheres, including municipalities, is not an option but an obligation. Its implementation is therefore necessary for the Mexican State to achieve full democracy. In this regard León (2023) adds that gender parity is considered the most important legal mechanism in defense of equal political participation and representation between men and women for the constitution of public and decision-making bodies in a proportional manner.

Espino (2023) adds that in the judgment SUP-JDC-91/2022 the principle of parity is considered as equality of power between genders, requiring equal positions in the integration of governmental structures. In the implementation of the principle the author identifies as a relevant problem the existence of simulated parity, in this regard Arribas (2023) from a legal perspective, analyzing the role of the TEPJF in the advancement and protection of political and electoral rights of women in the country, found that the absence of parity in public spaces is a form of GBPAW, Therefore, she identifies a close and complex relationship between parity and GBV, pointing out that parity is not something abstract, but a principle that must be materialized through legal instruments, so in order to create the necessary conditions for its implementation it is important to guarantee a life free of violence for women.

Freidenberg and Garrido De Sierra (2021) analyze the territorial variation of women's political representation, describing the levels of female political representation in subnational legislatures and the reasons why some legislatures have more descriptive representation of women than others. The weight of institutional variables such as the level of strength of the gender electoral regime in the registration of candidacies, related to different election principles and types of districts of the electoral system (proportional representation and relative majority); and socioeconomic variables such as the level of economic development, modernization and educational level are evaluated.

In this regard, Martínez and Bravo (2022) studied the challenges to substantive gender parity in the LXIV Legislature of the Oaxaca State Congress, the first parity legislature in the state. They analyzed: a) legislators' profiles, particularly categories such as age, educational level and political experience; b) distribution of power; and c) legislative management. It was found that women are older, have greater academic preparation and experience in public office. Women have had a higher legislative performance, according to the number of initiatives turned by committees chaired by a woman.

Sociocultural challenges were identified for the achievement of substantive parity, as well as social and cultural factors that affect the legislative exercise of women, such as: family, social pressure, social stigmatization and public scrutiny, in addition to the double or triple workday of women deputies. The study points out that there is a general resistance to legislate on gender issues, women do not coordinate caucuses and are assigned commissions related to gender stereotypes. In the empirical analysis of the parity principle Hernández (2022) provides a qualitative study on the implementation of the principle in the 32 Mexican local legislatures (period 2018 - 2019) with interviews to male and female legislators. It starts from the study on descriptive and substantive representativeness, identifying gender as a casuistic category of disparities in the legislative exercise. The work identifies that despite legal changes in terms of electoral parity in local congresses in Mexico, representation is still not possible.

At the municipal level, Aparicio (2023) in his study oriented to the political party regime proposes that in order to understand the electoral results, from a gender perspective, three dimensions should be considered: the legal or normative dimension, identifying municipalities where there was no gradual evolution of quotas towards parity thanks to the application of the law; the dimension of socio- demographic heterogeneity, since municipalities have disparities in the number of their inhabitants; and the political-budgetary dimension, exercising financial resources in different amounts, which are at stake in the access to power. These municipal conditions are different from those existing in the district and state spheres, where there is usually greater heterogeneity, which is why parity is more advanced in the latter.

Tlatoa (2023) states that in the Mexican context, since the reforms on parity, the number of municipal positions occupied by women has increased, however, she warns that at least in the state of Puebla, municipal presidencies have not been occupied by women in a notorious way. This research analyzes the implementation of the constitutional principle of parity, in order to make visible the public problem of underrepresentation, reflecting on its consequences. The reasons for such segregation lie in social and cultural factors, but it excludes political factors; it argues that the problems in the implementation of the parity principle could be solved if variables of the social and cultural context are taken into consideration. Theoretically, the author considers four dimensions of parity at the municipal level: horizontal, vertical, transversal and historical, the latter to analyze the behavior of the principle over a period of time.

Another study is presented by UN WOMEN, UNDP and IDEA (2017) where the percentage of female presidents and municipal councilors in the country was calculated. In this dimension, 60.2 out of 100 points were achieved. The importance of strategies aimed at vertical and horizontal parity is highlighted, so that the implementation of the principle has better results. The authors found that in 2016, 14% of municipal governments in the country (Oaxaca with 10%) had a female president. It was observed that there were more female councilors and trustees than female municipal presidents, which evidences the resistance for women to govern municipalities by exercising the most important executive political position in the municipal sphere.

Llanos, Martínez and Samqui (2016) from political science addressed the implementation of the principle of parity in subnational governments, that the Mexican municipality is a space where the underrepresentation of women has permeated historically. The peculiarity of the IRS regime in Oaxaca is briefly mentioned, but these municipalities were not part of the analysis sample. The authors identified the problems of horizontal and vertical parity, agreeing with UN WOMEN, UNDP and IDEA (2017) and the CNDH (2016) in identifying the importance of Jurisprudence 7/2015 (TEPJF) in terms of verticality and horizontality.

Llanos, Martínez and Samqui (2016) argue that the application of the principle of parity to candidates for municipal presidency in the elections held in 2015 was not free of obstacles, and appeals were filed before the corresponding bodies. In this sense, the CNDH (2016) adds that one of the most important challenges in the implementation of parity is at the municipal level, so its review focused on the races for municipal presidencies in 2015 and 2016.

It is argued that a determining factor of inequalities in political participation is the cultural component, specifically gender stereotypes; it was also observed that the GBPVAV and the weakness of the regulatory framework in 2016 were two elements that hindered the implementation of parity, which has not changed significantly, although the Mexican legal framework of parity is considered avant-garde. The challenge of parity at the municipal level is glimpsed, with the low representation of women in municipalities coinciding with Saldaña (2015), Tlatoa (2023) and Aparicio (2023).

Bravo and Martínez (2021) from public administration and political science recognize the complexity of the IRS of Oaxacan municipalities, identifying the importance of gradualness and progressiveness in the implementation of the principle of parity, given the uses and customs that predominate in the entity, in this sense they observed that in the implementation of parity, cases of GBPVAV are present at the municipal level, therefore they analyzed the Oaxacan cases of San Mateo Río Hondo (2017-2018), San Simón Almolongo (2017-2019) and San Bartolo Coyotepec (2017-2019).

The hypothesis is that GBV was exacerbated in municipalities governed under the IRS, manifesting itself in cases of physical, psychological, economic and symbolic violence, which intensified after the implementation of the political-electoral reform on parity to Article 41 of the Constitution in 2014, with the incorporation of women in the shortlists for the appointment of municipal authorities without complying with the tradition of a system of exclusively male positions, which was considered by the communities as a transgression to their uses and customs due to the non-compliance with their basic principles of socio-political organization.

The study was conducted under a qualitative approach, through documentary and field research, with interviews to municipal councilwomen and councilors, as well as to some members of the populations, focused mainly on the GBPVAV. Dionicio (2019) also analyzed the effects of the 2014 electoral reform on the descriptive and substantive representation of women in Oaxacan municipalities, the descriptive was studied in numerical terms including profiles with educational level and marital status; the trajectory with the political and social experience of the elected authorities. Substantive representation was reviewed in terms of power distribution, the strategic positions held and whether these were associated with gender stereotypes.

It was found that the legal obligation plays an important role in the fulfillment of parity; in the municipalities studied, women have more social experience, however, the services rendered are linked to gender, exercising positions of lower hierarchy, with little political recognition and social valuation, so stereotypes persist in the appointments, therefore the distribution of positions in the municipality was found to be inequitable.

### **Gender parity in indigenous contexts from an intercultural point of view:**

In the implementation of the principle of parity in Mexican indigenous municipalities, it is urgent to analyze the social, cultural and political scenarios from an intercultural vision, this premise is addressed in the following lines. Tubino (2016) emphasizes reflections on human rights, including political and electoral rights, the construction of citizenship, the path towards full democracy and the struggle for the recognition of the cultural identities of the peoples of the world. Intercultural conflicts at the global level are becoming more and more acute, which is why it is necessary to understand, recognize and respect the diverse ways of thinking, valuing and feeling the world, in other words, the worldview and sentiments, since the notions of dignity and human rights are not universal by nature, which is why they must be interculturalized.



The importance of the intercultural vision in the implementation of parity lies in the respect for cultural diversities, since in the making of laws and public policies, ideologies, language and western hegemony prevail, devaluing the worldview of the territories, then Tubino (2016) proposes to decolonize the spaces of power from where laws are dictated, to make them more respectful of identity diversity, exercising intercultural policies of recognition and articulating redistributive measures and political representation, both affirmative and transformative. Beltrán (2016) mentions that societies are diverse, the contact between different cultures is permanent, and then both the legal design and the analysis of social issues must be carried out considering the dignity of the diversities and minorities that are violated, among them the native peoples and indigenous women in particular. These arguments guide the analysis of gender parity in the indigenous contexts of Oaxaca, therefore some studies that argue the importance of interculturality are presented below.

Hernández and Castillo (2018) studied the social and political effects of the 2014 electoral reform, focusing on the context of IRS on women's participation. It is evidenced from an objective lens that at the time the legal recognition of uses and customs also contributed to the segregation of women in municipal spaces. Five forms of women's political participation in indigenous communities were identified, which are not limited to the municipal council: among them help or collaboration with their husbands or partners to fulfill their community services, school committees and other village organizations, patron saint festivals and rituals, the extra-community sphere in civil society organizations or companies, and municipal positions; it is undeniable that these positions are related to gender stereotypes, coinciding with what was previously pointed out by Vázquez and Meixuerio (2021), Castillo and Santoyo (2022), González (2023) and Dionicio (2019).

Then Hernández and Castillo (2018) identified four forms of discrimination toward women: positions at the base of the pyramid, restriction in decision-making, positions associated with gender stereotypes, participation conditioned to civil status, and no obligation to provide services because they are women. The study also recognizes characteristics for citizenship recognized in the native peoples, such as their personal characteristics or their history of community services, support or relations with powerful groups and political capital. Community is taken up again as an element that permeates and justifies the limitation of women, from a shared philosophy, which is related to the arguments of López (2022).

The authors recognize that one of the causes of gender inequalities in indigenous communities are the predominant patriarchal values; they also note that the reforms on the principle of parity reproduce tensions and contradictions in the communities, they identify that some women reject these mandates from the vision of communality, and in other cases they reject the positions because they feel incompetent, a product of the patriarchal ideology that has considered them incapable of entering the public sphere. It is established that there are socioeconomic conditions, as well as social and cultural capital that favor the political participation of men, but not for women, and it is also seen as a violation of fundamental rights the obligation to assume the position against the will of women, an aspect that coincides with Bustillo (2021). The authors found that the State's guardianship lacks social defense mechanisms in cases of GBVPRV.

In this discussion on interculturality, Barrientos (2023) from her legal position, recognizes the importance of the particularity of indigenous contexts, to avoid analyzing their problems from a westernized perspective. He recommends that indigenous elections should keep an intercultural balance to avoid damage to the social fabric, recognizing practices such as the assembly, community service and the value of women; indigenous autonomies should also be respected to preserve social cohesion; he also adds that in these contexts elements such as uses and customs and self-determination should prevail, avoiding a forced westernization to avoid damaging their functioning, so he recommends a prudent interpretation of the reform to the second constitutional article, respecting the socio-political structure of the original peoples.

Mendoza (2023) in her theoretical-philosophical text analyzes the effects of coloniality on social and political structures in the indigenous populations of Abya Yala<sup>3</sup>, with the intention of rethinking from a descolonial perspective the inequalities in the native communities. The author takes up some of Segato's ideas on the thesis that the arrival of the European conquerors overthrew the precolonial male domination system, which was less aggressive and invasive, where women had a place in the structure, although male domination prevailed in aspects of hierarchy, prestige and consultation.

A criticism is also made of Dussel's thesis on the political philosophy of liberation, stating that southern or decolonial feminisms consider the community as a unitary entity, which excludes the experiences and sufferings of women, which coincides with Bustillo (2021) in considering that collectivity is above feminine individuality. Furthermore, Mendoza (2023) considers that a transformation of the dominant structures is possible from the political sphere, recognizing that it is in the private sphere where violence and gender disparities begin.

To contribute to this debate González (2023) focuses his analysis on the context of the community of Cuauhtémoc, belonging to the municipality of San Mateo del Mar, in the isthmus of Tehuantepec, Oaxaca, identifying the importance of protecting the political and electoral rights of the original populations and indigenous women. The author analyzes the sentence SUP-REC-330/2019 in questioning the validity of the auxiliary authorities, noting the failure to guarantee the

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<sup>3</sup> Name given to the American continent from the worldview of the Kuna people, meaning Living Land.

constitutional principles of universality of the vote and equality and non-discrimination between women and men, regardless of the IRS that govern the people. It identifies gender stereotypes as a determining factor in the barriers for women to participate politically, despite the fact that discrimination is prohibited by the legal framework. In order for the problems in indigenous contexts to be judged fairly, the author recommends the gender perspective and the intercultural perspective as fundamental elements. Moreover, López (2022) offers a philosophical theoretical framework on the feelings and thoughts of the indigenous peoples of Mexico, pointing out that from pluriculturality, each people has a unique worldview, with a close relationship with mother earth. It is also emphasized that some elements of the native peoples do not have a literal translation into Spanish as a lingua franca, which reflects the need to understand the contexts in the elaboration of laws and analysis of indigenous realities, so bilingualism plays an important role in the understanding of indigenous law, therefore an important problem is identified in the understanding of the norms derived from positive law established from the West, which do not fully correspond to the native ideologies.

In this sense, Hernández and Bautista (2022) recognize diverse electoral practices in indigenous communities different from those of positive law, which have endured due to the physical and spiritual need for preservation; they also observe as an important element in indigenous contexts the collectivity in the municipal indigenous sphere; the authors also mention the effects of ethnic extermination policies practiced by some national governments. It is emphasized that the system of charges characteristic of the IRS is invisible or alien to the logic of the market, therefore they are not economically valued from the western point of view.

Some exclusive cultural roles for women in the system of positions are also identified, such as: cooks and meat and snack deliverers at village festivals and celebrations; in addition to being midwives, traditional doctors and prayers. From this, the prestige of these positions in the social system of the native peoples is recognized, the intrinsic relationship between the public and private spheres, and between the spiritual and the political. However, it is necessary to recognize that such positions are associated with female gender stereotypes, therefore women are excluded in indigenous municipal politics. In this regard, Freidenberg and Gilas (2021), from a positive law perspective, point out the importance of preserving gender equity in elections by customary law, but it is precisely where the importance of intercultural analysis lies, to understand the reasons for female exclusion in indigenous communities, with a more comprehensive analysis and not biased to the hegemonic mandate, without justifying or idealizing the IRS.

Bustillo (2021) makes an overview of the evolution of the political rights of indigenous women in Mexico (2011-2021); analyzing historically the right to self-determination of indigenous peoples and communities. The article identifies that despite the legal framework that protects and recognizes the exercise of citizenship in indigenous women, there are community structures and patriarchal worldviews that hinder their political participation. To understand this problem, the author proposes the analysis of these phenomena from an intercultural feminism, considering the worldviews of indigenous women, recognizing the dichotomy faced by indigenous women between tradition and modernity. The author argues that in the IRS, there are actions that the community justifies in favor of the collectivity and community life, denying access to public positions, it is also argued that indigenous women have diverse realities, their individuation is different from the western, and therefore a challenge of the gender system is identified from an intercultural indigenous viewpoint.

To this analysis Recondo (2021) from anthropology and political science adds a study on the jurisprudence of the TEPJF in relation to the IRS, demonstrating that the intercultural perspective in the institutions has been gradually strengthened, through the obligation to take into account the context and the normative specificities of each municipality and community to resolve their legal controversies. In electoral terms, the author envisions that in order to exercise the right to vote or to be voted in an indigenous community, people have to comply with community obligations, for the benefit of the collectivity, also observing the dilemmas between the citizen's right and the rights of the community, a context where Bustillo (2021) identifies that the collectivity is above the identity of the native woman.

Precisely the sense of communality is studied by Bautista (2017) in his cultural and autobiographical work, combining data on legislation with his experiences in the cargo system of San Juan Tabaá, Oaxaca. The author explains the IRS in an anecdotal way, from a Zapotec worldview of the Sierra Norte, detailing some important elements such as the relationship "man"-territory, communality, original culture, community education, the cargo system, communal goods, the community assembly, municipal elections and patron saint festivals.

Zardo (2013) argues that the rights of indigenous peoples include self-determination and culture, in which context indigenous women face specific obstacles in the struggle for gender equality. A conflict between collective and individual rights in indigenous communities is also identified, agreeing with Bustillo (2021) Hernández and Bautista (2022) and Recondo (2021). The author argues that gender inequality within indigenous communities must be recognized and addressed in order to promote individual rights. The purpose of this article starts from the challenge of the extinction of indigenous communities, from the westernizing policies that have tried to exterminate the native peoples, therefore that is the indigenous priority, gender equity occupies a secondary place.

Finally, in the discussion on interculturality, Briseño and Ruiz (2012) analyzed the realities of some municipalities governed by their IRS, from an objective point of view, taking care not to victimize indigenous women in the political exercise, and not to disqualify indigenous law; however, the work does not deny gender subordination and oppression. It is identified that each native people of Oaxaca has a different reality, therefore the problems are varied, although there are common elements. It is recommended to rethink customs and analyze positive practices, breaking gender stereotypes without undermining those elements that strengthen community life. It is identified that native women suffer two types of inequality: by gender and by ethnicity, an idea that coincides with Barrientos (2023) who talks about intersectional discrimination. Briseño and Ruiz (2012) also advocate a renewal of traditions based on female action.

## **CONCLUDING REMARKS**

The studies addressed allow us to glimpse that the panorama for the implementation of the principle of gender parity in the municipalities is complex. It was observed that there are social, cultural, political and economic barriers, systemically related to a patriarchal framework that inhibits the full exercise of women's political and electoral rights. The main aspects identified are the persistence of gender stereotypes, the GBPAW, the low institutional capacities to implement the principle, the resistance from political parties, and the absence of an intercultural vision in the consultation with indigenous peoples on parity, among others. Most Mexican municipalities are governed by men, therefore the municipal logic is masculine, and it is a context where women are underrepresented, so public policies are not designed from a gender perspective. Municipal political life in Mexico is not democratic, as it is characterized by the exclusion of women in public decision-making.

The review of the state of the art on the principle of parity in the IRS made it possible to identify, through valuable contributions, convergent and divergent aspects between the research proposed by the author of this paper and the studies already carried out. It was found that when parity is studied as a constitutional principle, most studies focus on the political party system (Aparicio, 2023; Góngora & Martínez, 2023; Tlatoa, 2023; Gilas, 2021; Cardenas, 2019; Llanos, Olivares & Samqui, 2016; CNDH, 2016 & Saldaña, 2015) or to national and state contexts, but with no emphasis on the municipal sphere (Palma & Vazquez, 2023; Espino, 2023; Arribas, 2023; Hernandez, 2022; Freidenberg & Gilas, 2021; Freidenberg & Garrido De Sierra, 2021), therefore, the importance and justification of studying parity in the IRS regime can be seen, recognizing the theoretical and empirical contributions (Vázquez & Meixueiro, 2021; Barrientos, 2023; Mendoza, 2023; González, 2023; Martínez & Bravo, 2022; Bravo & Martínez, 2021; Bustillo, 2021; Recondo, 2021; Hernández & Castillo, 2018; Bautista, 2017; Briseño & Ruiz, 2012).

The areas that represent a research opportunity are the following: to study the IRS scenario from an integral viewpoint, combining the social, cultural and political spheres, by means of a multidisciplinary study, having gender studies and interculturality as transversal axes, the importance of which is addressed by some authors (Barrientos, 2023; Bustillo, 2021; Mendoza, 2023). The texts reviewed show the importance of the analysis of the principle of parity, therefore it is important to contribute to the theoretical and empirical analysis of the municipal and indigenous reality of Oaxaca, explaining the obstacles faced by gender parity, respecting and understanding the original worldviews, through research techniques from sociology and legal anthropology.

### **Study limitations and future research**

Theoretically, the study was limited to analyze the principle of gender parity and IRS, from a social science perspective, specifically from the discipline of municipal administration and electoral law, for a future study it is possible to follow a multidisciplinary method from the postulates of political science, legal sociology and social anthropology. Methodologically, a documentary and discourse analysis was carried out, identifying the ideologies and positions of the authors, then for related future studies it is possible to apply other qualitative techniques such as ethnography, focus groups and in-depth interviews, among others.

With the analysis of the state of the art carried out in this paper, the importance of continuing to explore in depth some related topics was identified, therefore it is suggested as an object of study for future research: the substantive representation of indigenous women in the municipalities, the political participation of indigenous women in local development, indigenous feminisms in the principle of parity, the importance of interculturality in the analysis of the IRS and the hidden vices in the IRS.

The study of parity in the municipal political field is crucial to promote the equal participation of women and men in collective decision-making, in addition to favoring substantive political representation, so that the actions of local government are inclusive, identifying and addressing the public problems of all people and not under the male bias, until then it will be possible to consider the existence of a parity democracy in the country.

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